

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SADAR ABDULLAH, ) 2:10-CV-00511-PMP-GWF  
Plaintiff, )  
vs. ) **ORDER**  
CITY OF LAS VEGAS, a political )  
subdivision, and municipality including )  
its department, LAS VEGAS )  
METROPOLITAN POLICE )  
DEPARTMENT, )  
Defendants. )

Before the Court for consideration is Defendant Las Vegas Metropolitan Police Department's fully briefed Motion for Summary Judgment (Doc. #24) filed March 8, 2011. For the reasons set forth below the Court finds that Defendant's motion must be granted.

Specifically, the Court finds that Plaintiff's First and Second Causes of Action against Defendant Las Vegas Metropolitan Police Department must fail because the facts alleged, and the evidence adduced, to support Plaintiff's First and Second Causes of Action are essentially identical to the facts giving rise to Plaintiff's Third Cause of Action for relief under 42 U.S.C. § 1983. Armendariez v. Penman, 75 F. 3d 1311 (9th Cir. 1995). Additionally, the Court finds Defendant LVMPD is entitled to discretionary immunity as to Plaintiff's First and Second Causes of Action pursuant to Nevada Revised Statute 41.032.

1           Defendant LVMPD is also entitled to judgment on Plaintiff's Third Cause  
2 of Action for violation of 42 U.S.C. § 1983. Here, the violations and injuries alleged  
3 by Plaintiff were not the result of a custom or policy of the LVMPD. Monell v.  
4 Department of Social Service, 436 U.S. 658 (1978), and City of Canton v. Harris,  
5 489 U.S. 378 (1989).

6           The Court must also reject Plaintiff's belated attempt to amend his  
7 Complaint to allege claims against LVMPD Sergeant Tom Jenkins. As argued in  
8 Defendant's reply memorandum, Plaintiff's attempt to add Sergeant Jenkins is time  
9 barred.

10           **IT IS THEREFORE ORDERED** that Defendant Las Vegas Metropolitan  
11 Police Department's Motion for Summary Judgment (Doc. #24) is **GRANTED**.

12           **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith  
13 enter judgment in favor of Defendant Las Vegas Metropolitan Police Department  
14 and against Plaintiff Sadar Abdullah.

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16 DATED: May 9, 2011.

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**PHILIP M. PRO**  
20           United States District Judge  
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